

MEMORANDUM

TO: School District Superintendents
Public School Academy Directors
Local Educational Agency Homeless Liaisons

FROM: Dorothy VanLooy
Director
Office of Field Services

DATE: January 17, 2003

SUBJECT: Dispute Resolution Procedure

The McKinney Vento Homeless Assistance Act was reauthorized last year as part of No Child Left Behind Act of 2001. One of the requirements of the Act is for the state educational agency to develop and distribute a process for quick resolution of disputes concerning the placement of homeless students.

Guidance for the selection of the school in the best interest of the student and for resolving disputes is provided in the text of McKinney Vento. The Dispute Resolution Procedure is attached with this memo and has been posted on the Office of Field Services website. The purpose of the McKinney Vento Homeless Assistance Act is to ensure that students who are homeless may continue their education with as little disruption as possible. As stated in the Act:

Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

To view the text of the McKinney Vento Homeless Assistance Act and other information about the program for the Education of Homeless Children and Youth please visit the Office of Field Services website. The web address is: www.michigan.gov/mde. When the Michigan Department of Education website appears, scroll down the menu on the right side of the screen and click on "*Programs and Offices.*" Then scroll the menu on the left side of the screen and click on "*Field Services.*" Information about the Education of Homeless Children and Youth appears under "*What's New*" and under "*Resources and Information.*"

If you have questions regarding the enclosed dispute resolution procedure, please contact MaryAlice Galloway at 517-373-3921 or gallowaym@michigan.gov.

Attachment

Dispute Resolution Procedure

The McKinney Vento Homeless Assistance Act acknowledges that disputes may arise between the school district and homeless students and their parents/guardians when the student is placed in a school other than the one requested. Guidance for school selection is provided in the law. The law includes dispute resolution among the required duties of the LEA liaison.

The following procedures are specified in the Act:

- ❖ Enrollment: Immediately enroll the homeless student in the school preferred by the parents until the dispute is settled.
- ❖ Written explanation: Provide a written explanation of the school placement decision to the parent/guardian (or to the unaccompanied youth).
 - In the written explanation include the rights to appeal the decision.
- ❖ Liaison: The designated LEA liaison is assigned to carry out the dispute resolution in an expeditious manner.
- ❖ It is the responsibility of the school district to inform the parents/guardians of homeless students of the Complaint Resolution Procedures.

The Michigan Department of Education has adopted a complaint resolution process. In a case where a dispute occurs regarding the education of a homeless child or youth, the following process may be used:

- I. Local Level – Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Michigan Department of Education (MDE).
 - a. If a question concerning the education of a homeless child arises, the first person to contact in the school district is the homeless liaison. Each school district is required to have a designated homeless liaison. Someone in every school or in the central office for the school district will be able to identify the homeless liaison. If there is a complaint about services for the homeless student(s), the complainant should be provided with a copy of the local complaint procedure. If the district or public school academy does not have a complaint procedure in place, the following steps are suggested:
 - i. The homeless liaison should discuss the complaint with the complainant and the complainant should be provided with copies of the policies that the Board of Education in the district or public school academy has adopted concerning the education of homeless children and youth.
 - ii. A determination should be made as to whether the requested services for the homeless student are consistent with local school board policy.
 - iii. If the complaint is not resolved, the complainant should be advised to present it in writing to the homeless liaison.
 - iv. A written proposed resolution of the complaint or plan of action should be provided to the complainant within five days of the date of receipt of the written complaint.
 - b. If the complaint is not resolved at this level within five days, it may be taken to the superintendent of the district the student is attending or is wishing to attend. In addition to presenting the written complaint, an appointment should be made for the complainant to meet with the superintendent to discuss the complaint. At

the end of the discussion with the superintendent, a written resolution should be provided within five days of the date of the discussion.

- c. If the complaint is still not resolved, it may be possible to appeal to the local Board of Education.
- II. State Level – If the complaint is not resolved in a satisfactory manner at the local level, the complaint may be directed to MDE. Complaints made under this process must be made in writing and signed by the complainant. The following steps are to be taken:
- a. Address the complaint to the State Homeless Coordinator, Office of Field Services, P.O. Box 30008, Lansing, MI 48909.
 - b. Include in the complaint:
 - i. A description of the situation that prompted the complaint.
 - ii. The name(s) and age(s) of the child or children involved.
 - iii. The name(s) of the involved school district personnel and the school district or districts involved.
 - iv. A description of the attempts that were made to solve the issue at the local level including copies of any documentation used up to that point.
 - c. The State Homeless Coordinator will gather needed information from statements of the parties involved and will forward the information to the Director of the Office of Field Services along with a recommendation for resolution or for further investigation.
 - d. Within thirty days after receiving a complaint, the Director of the Office of Field Services will recommend a resolution and will inform interested parties in writing of the decision.
 - e. If a complainant or one of the parties involved in the complaint disagrees with the decision, that party may, within 10 working days, appeal to the Deputy Superintendent. This appeal must be in writing and state why the party disagrees with the decision of the Director of the Office of Field Services.
 - f. Within 30 days after receiving an appeal, the Deputy Superintendent will render a final administrative decision and notify the complainant and the school district(s) involved in writing.
 - g. If the party disagrees with the decision of the Deputy Superintendent in a matter concerning homeless children or youth, the party may request a review of the decision by the United States Secretary of Education in accordance with 34 CFR Part 299.11.
 - h. While the dispute is being resolved, the child or children in question must be enrolled in school. If the dispute is concerning the school of “best interest,” the child must be enrolled in the school preferred by the parent/guardian unless previous arrangements have been implemented.